

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HASAN SHAREEF, }
Plaintiff, } 2:19-cv-320
vs. }
BUTLER COUNTY PUBLIC } Hon. J. Nicholas Ranjan
NEWSPAPER and ERIC } Magistrate Judge Lisa Pupo Lenihan
JANKIEWICZ, *Warden Butler* }
County Jail, }
Defendants. }
}

MEMORANDUM ORDER

This is a *pro se* prisoner civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to Magistrate Judge Lisa Pupo Lenihan for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court applicable to Magistrate Judges.

Currently before the Court is [ECF 47] a Report & Recommendation filed by Judge Lenihan on June 5, 2020, recommending that the Court dismiss [ECF 43] Mr. Shareef's claim under 42 U.S.C. § 1983 for failure to state a claim and, further, decline to exercise supplemental jurisdiction over Mr. Shareef's state-law claims. The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), objections to the Report & Recommendation were due by June 19, 2020 (for ECF users) and June 22, 2020 (for non-ECF users). No objections were filed.

Upon a *de novo* review of the record of this matter and the Report & Recommendation, the Court finds no clear error on the face of the record, and therefore enters the following order.

AND NOW, this 6th day of July, 2020, it is ORDERED that, insofar as Mr. Shareef asserts a claim under 42 U.S.C. § 1983, that claim is hereby DISMISSED for failure to state a claim for relief based on 28 U.S.C. §

1915(e)(2)(B)(ii) and 28 U.S.C. § 1915A(b)(1). The Court finds that amendment of Mr. Shareef's 42 U.S.C. § 1983 claim would be futile, and so this dismissal is WITH PREJUDICE.

To the extent Mr. Shareef also asserts state-law claims, the Court declines to exercise supplemental jurisdiction over those claims. Thus, it is FURTHER ORDERED that any and all state-law claims are DISMISSED. Because the Court dismisses these claims on jurisdictional grounds, this dismissal is WITHOUT PREJUDICE. In other words, Mr. Shareef is free to file any state-law cause of action he might have in a state court of competent jurisdiction (subject, of course, to the statute of limitations or any other procedural requirements applicable to those claims).

Finally, Judge Lenihan's Report & Recommendation is ADOPTED as the opinion of the Court.

BY THE COURT:

/s/ *J. Nicholas Ranjan*
United States District Judge